




MINERALS PROGRAM INSPECTION REPORT
PHONE: (303) 866-3567

The Division of Reclamation, Mining and Safety has conducted an inspection of the mining operation noted below. This report documents observations concerning compliance with the terms of the permit and applicable rules and regulations of the Mined Land Reclamation Board.

MINE NAME: Brownwood Pit	MINE/PROSPECTING ID#: M-1979-059	MINERAL: Sand and gravel	COUNTY: Larimer
INSPECTION TYPE: Monitoring	INSPECTOR(S): Brock Bowles	INSP. DATE: February 15, 2022	INSP. TIME: 09:00
OPERATOR: Coulson Excavating Company, Inc.	OPERATOR REPRESENTATIVE: Ken Coulson	TYPE OF OPERATION: 112c - Construction Regular Operation	
REASON FOR INSPECTION: Normal I&E Program		BOND CALCULATION TYPE:	BOND AMOUNT: \$89,136.00
DATE OF COMPLAINT: NA		POST INSP. CONTACTS: None	JOINT INSP. AGENCY: None
WEATHER: Clear	INSPECTOR'S SIGNATURE: 		SIGNATURE DATE: April 18, 2022

The following inspection topics were identified as having Problems or Possible Violations. OPERATORS SHOULD READ THE FOLLOWING PAGES CAREFULLY IN ORDER TO ASSURE COMPLIANCE WITH THE TERMS OF THE PERMIT AND APPLICABLE RULES AND REGULATIONS. If a Possible Violation is indicated, you will be notified under separate cover as to when the Mined Land Reclamation Board will consider possible enforcement action.

INSPECTION TOPIC: Gen. Compliance With Mine Plan

PROBLEM/POSSIBLE VIOLATION: Problem: Coulson Excavating Company, Inc is not following the approved mine reclamation plan. The current reclamation plan needs to be updated and clarified pursuant to C.R.S. 34-32.5-116 (1). The operator must provide sufficient information to describe or identify how the operator intends to conduct reclamation.

CORRECTIVE ACTIONS: The operator shall submit a Technical Revision, with the required \$216 revision fee, to update and clarify the current approved reclamation plan to reflect existing and proposed activities by the corrective action date.

CORRECTIVE ACTION DUE DATE: 6/07/22

INSPECTION TOPIC: Gen. Compliance With Mine Plan

PROBLEM/POSSIBLE VIOLATION: Problem: Failure to maintain legal right of entry per Rule 6.3.7.

CORRECTIVE ACTIONS: The permittee/operator must provide proof of legal right to enter and conduct mining and reclamation operations on the property where the Pheiff Pond is located within 60 days.

CORRECTIVE ACTION DUE DATE: 6/07/22

OBSERVATIONS

This inspection was conducted by Brock Bowles of the Division of Reclamation, Mining and Safety (Division). Ken Coulson of Coulson Excavating Co (Operator) was present for the inspection. The Brownwood Pit is located 1 mile southeast of Loveland. The site is an active 112c operation with 157.9 acres permitted and the post-mining land use is industrial, developed water resource, residential and agriculture. This inspection was carried out as a part of the Division's routine monitoring inspection program. At the time of the inspection it was cool, overcast and the ground was partly snow covered.

The permit entrance sign was in place on the scale house at the mine entrance (photo 1).

The annual reports from 2018 to 2021 state that mining has been conducted yearly at the site. The following bullet points demonstrate that mining has not taken place at the site for many years.

- The operator stated during this inspection that mining has been completed and the site is only being used to process/recycle concrete and asphalt materials.
- The 2006, 2010, 2014 and 2018 inspection reports state that mining has been completed at this site.
- The AM3 application form submitted in 2015 states on page 4 of the application, and in Exhibits C and D, that mining has been completed.
- The 2012-2017 annual reports state that mining last took place in 2011.

The annual reports for 2018-2021 are not accurately reporting the mining activity at the site. All annual reports from this date forward should state that mining has been completed since at least 2011.

Most of the reclamation work at site has been completed. The following two items still need to be addressed:

The Pfeiff Pond is located on the north side of the Big Thompson River, northeast of the main facilities area. This pond is reported to be clay lined and needs to pass the DRW leak test. In an adequacy response letter for AM3 dated Sept 11, 2015, the operator committed to performing a leak test in October 2015. According to DWR, the operator has not applied for a leak test.

The NE Pond is approximately 12 acres in size and was frozen and snow covered (photo 2) for this inspection. The operator stated that the pond is not clay lined. This is inconsistent with the reclamation plan approved in AM3 (2015) which shows that NE Pond will be reclaimed to a 10 acre clay lined pond.

The two above items were approved more than 5 years ago and have yet to be implemented. The operator needs accomplish one of the following:

- a) Submit a reclamation schedule within the next 60 days outlining how the approved reclamation plan will be implemented within the next 12 calendar months **or**
- b) Submit a technical revision within the next 60 days to update the reclamation plan.

The Division is aware that a proposed augmentation plan is scheduled to appear in water court in February 2024, case #19CW3157. The purpose of an augmentation plan is to cover the water lost in an unlined pond. The reclamation plan calls for lined ponds. If the operator intends the ponds to remain unlined, then the reclamation plan needs to be updated. Please see the first page of this report for additional information about corrective actions and corrective action due dates.

As per Rule 3.1.3, all reclamation shall be carried to completion within 5 years from the date the operator has ceased mining. As noted above, mining has been complete since at least 2011. It appears that the only

remaining tasks are the 2 ponds which are waiting on the augmentation plan which will heard in water court in Feb 2024.

The area north of the asphalt plant is currently being used for recycling asphalt and concrete (photo 3). Other stockpiles were stacked around the site (photo 4).

The SE reservoir is sloped to approximately 3h:1v and the slopes are well vegetated. The pond has been approved as a lined reservoir by DWR in 2012 (WDID 0403398). The area to the west of the SE reservoir has been reclaimed to an irrigated agricultural field (photo 5).

The SWSP for the Brownwood Pit expired in December 2020. An updated application has been submitted to DWR and is pending approval.

The Pfeiff Pond is currently on land that was purchased by the City of Loveland in 2016. The Division does not have a current right-of-entry on file from the City of Loveland. A new lease agreement/right-of-entry needs to be submitted. Please see the first page of this report for additional information about corrective actions and corrective action due dates.

Mining has been completed at this site. All material that is currently being processed on the site has been generated outside the approved permit. A signed affidavit was submitted with AM3 in 2015 stating that any material imported to the site which will be used as fill will be clean and inert.

PHOTOGRAPHS



Photo 1 – Mine entrance sign on scale house



Photo 2 – Northeast Pond, facing south



Photo 3 – Processing area north of asphalt plant



Photo 4 – Stockpiles of product onsite



Photo 5 – Southern agricultural field, facing south

GENERAL INSPECTION TOPICS

The following list identifies the environmental and permit parameters inspected and gives a categorical evaluation of each

(AR) RECORDS----- <u>N</u>	(FN) FINANCIAL WARRANTY----- <u>N</u>	(RD) ROADS----- <u>N</u>
(HB) HYDROLOGIC BALANCE----- <u>N</u>	(BG) BACKFILL & GRADING----- <u>N</u>	(EX) EXPLOSIVES----- <u>N</u>
(PW) PROCESSING WASTE/TAILING---- <u>N</u>	(SF) PROCESSING FACILITIES----- <u>N</u>	(TS) TOPSOIL----- <u>N</u>
(MP) GENL MINE PLAN COMPLIANCE- <u>PB</u>	(FW) FISH & WILDLIFE----- <u>N</u>	(RV) REVEGETATION---- <u>N</u>
(SM) SIGNS AND MARKERS----- <u>N</u>	(SP) STORM WATER MGT PLAN---- <u>N</u>	(RS) RECL PLAN/COMP-- <u>N</u>
(ES) OVERBURDEN/DEV. WASTE----- <u>N</u>	(SC) EROSION/SEDIMENTATION--- <u>N</u>	(ST) STIPULATIONS----- <u>N</u>
(AT) ACID OR TOXIC MATERIALS----- <u>N</u>	(OD) OFF-SITE DAMAGE----- <u>N</u>	

Y = Inspected / N = Not inspected / NA = Not applicable to this operation / PB = Problem cited / PV = Possible violation cited

Inspection Contact Address

Ken Coulson
Coulson Excavating Company, Inc.
3609 North County Road 13
Loveland, CO 80538

Enclosure

CC: